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October 29, 2003

VIA ELECTRONIC SUBMISSION

Mr. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, D.C. 20036

***Re: Notice of Written Ex Parte – CC Docket No. 96-149; CC Docket No. 98-141
Petition of SBC Communications Inc. for Forbearance from the Prohibition of
Sharing Operating, Installation and Maintenance Functions Under Section
53.203(a)(2) of the Commission Rules***

Dear Ms. Dortch:

On October 29, 2003, SBC Communications Inc. submitted the attached letter to Mr. Christopher Libertelli, Legal Advisor to Chairman Michael Powell.

Sincerely,

/s/ Gary L. Phillips

cc: Christopher Libertelli (via e-mail)



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October 29, 2003

VIA ELECTRONIC MAIL

Mr. Christopher Libertelli
Federal Communications Commission
Senior Advisor to Chairman Powell
445 12th Street, SW
Washington, D.C. 20036

***Re: Petition of SBC Communications Inc. for Forbearance from the Prohibition of
Sharing Operating, Installation and Maintenance Functions Under Section
53.203(a)(2) of the Commission Rules, CC Docket No. 96-149, 98-141.***

Dear Mr. Libertelli:

In response to your request for additional information on the relationship between SBC's Data Service affiliates on the one hand and the BOCs on the other, we provide the following information:

The SBC Data Services affiliates are substantially separate from the SBC BOCs. They are separate corporate entities from the BOCs, with separate employees, officers, and directors. They also maintain books, records, and accounts that are separate from each other and from the SBC BOCs.

The Data Services affiliates do not provide OI&M services to the SBC BOCs. Moreover, except in limited circumstances, the Data Services affiliates also not receive OI&M services from the SBC BOCs. Rather, they receive such services almost exclusively from their own employees. In those limited circumstances in which the Data Services affiliates receive OI&M services from the BOCs, they do so pursuant to affiliate agreements that comply with the FCC's affiliate transaction rules. Therefore, we believe SBC's Data Services affiliates are not the kind of affiliates to which Rule 53.203(a) is directed, and the Commission should issue a declaratory ruling to clarify the same.

If you need any additional information, please feel free to call me at (202) 326-8910.

Sincerely,

/s/ Gary L. Phillips